

**ENTERED**

February 27, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

JOSHUA LEON BEARD,  
*Defendant.*§  
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CRIMINAL ACTION NO. 4:22-CR-92-1

**ORDER**

The Defendant's Motion to Dismiss the Indictment (Doc. No. 28) is denied. This motion was based primarily on the recent opinion *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022). This Court has reviewed the case law both before and after the *Bruen* decision and finds that *Bruen* does not render § 922(g)(1) unconstitutional. This Court does not feel compelled to address this argument at length as other courts have already done so. *See e.g., United States v. Paz Medina-Cantu*, No. 2:22-CR-426 (S.D. Tex. Jan. 10, 2023) (Ramos, J.); *United States v. Hill*, 4:22-CR-249 (S.D. Tex. Nov. 17, 2022) (Hughes, J.). The Court finds the reasoning given in those two opinions (and the many cases cited therein) to be cogent, direct, and correct.

Therefore, absent a contrary ruling by the Fifth Circuit Court of Appeals, this Court denies Defendant's motion.

SIGNED at Houston, Texas this 27<sup>th</sup> day of February, 2023.

  
 Andrew S. Hanen  
 United States District Judge